

Notice of Allowability

Application No.

09/670,537

Examiner

D. L. Jones

Applicant(s)

MAZAR ET AL.

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/5/04 and 10/15/04.
2. ☒ The allowed claim(s) is/are 21,25,27,29,31,35,38,41,43,45, 47 and 50-57.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/15/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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ACKNOWLEDGMENTS

1. The Examiner acknowledges receipt of the amendment filed 8/5/04 wherein claims 1-20, 22-24, 26, 28, 30, 32-34, 36, 37, 39, 40, 42, 44, 46, and 48 are canceled; claims 21, 25, and 35 are amended; and claims 50-57 are added.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Matthew Grumbling on 10/15/04.

The application has been amended as follows:

Replace claim 21 with the following.

Claim 21 (Currently amended) A UPA active site-targeting peptide compound that binds to the endosite and one or more exosites of (i) tcupA or (ii) a fragment or subunit of tcupA, which fragment or subunit retains the UPA (1) enzymatic endosite and (2) a uPAR-binding epitope, such that said peptide compound covalently modifies the endosite; said peptide compound being a member of the group consisting of:

(a) (Chelator)-(Xaa)₂₋₆-(Lys, Arg)-(alkylating group)-uPA;

(b) (Label-Chelator)- (Xaa)₂₋₆-(Lys, Arg)-(alkylating group)-uPA;

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(c) (Label)- (Xaa)₂₋₆-(Lys, Arg)-(alkylating group)-uPA; and

(d) (Therapeutic moiety)- (Xaa)₂₋₆-(Lys, Arg)-(alkylating group)-uPA;

wherein Label is a detectable label, each Xaa is independently an amino acid; and wherein the peptide compound localizes said chelator, detectable label or therapeutic moiety to the uPA active site.

Replace claim 25 with the following.

Claim 25 (Currently amended) A method for detecting the presence of uPAR (i) on the surface of a cell, (ii) in a tissue, (iii) in an organ or (iv) in a biological sample, which cell, tissue, organ or sample is suspected of expressing uPAR comprising the steps of:

(a) contacting the cell, tissue, organ or sample with the peptide compound of (Label-Chelator)- (Xaa)₂₋₆-(Lys, Arg)-(alkylating group)-uPA or (Label)- (Xaa)₂₋₆-(Lys, Arg)-(alkylating group)-uPA from claim 21; and

(b) detecting the presence of the label associated with the cell, tissue, organ, or sample.

Replace claim 45 with the following.

Claim 45 (Currently amended) A method for inhibiting cell migration, cell invasion, cell proliferation or angiogenesis, or for inducing apoptosis, comprising contacting cells with an effective amount of a therapeutic pharmaceutical composition according to claim 35.

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Cancel claim 49.

Replace claim 51 with the following.

Claim 51 (Currently amended) The compound of claim 21, which is:
(Label-Chelator)- (Xaa)₂₋₆-(Lys, Arg)-(alkylating group)-uPA where Label is a detectable label and each Xaa is independently an amino acid.

ALLOWABLE CLAIMS

3. Claims 21, 25, 27, 29, 31, 35, 38, 41, 43, 45, 47, and 50-57 are allowable over the prior art of record for reasons of record in the office action mailed 5/28/04.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. L. Jones whose telephone number is (571) 272-0617. The examiner can normally be reached on Mon.-Fri., 6:45 a.m. - 3:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (571) 272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. L. Jones
Primary Examiner
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October 18, 2004